



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

Issued by the Department of Transportation on January 29, 2004

NOTICE OF ACTION TAKEN -- DOCKET OST-2003-15805

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Joint Application of **Delta Air Lines, Inc. and Emirates**

Background: On October 14 and October 24, 2003, in Docket OST-2003-15805, we granted a joint request of Emirates and Delta Airlines for blanket statements of authorization to conduct reciprocal code-share services between the United Arab Emirates and the United States. We granted the authorities subject to, among other things, the condition that Emirates only exercise the authority as part of a Department-authorized code-share or wet-lease arrangement with a duly authorized and properly supervised carrier or carriers. We had also included such a code-share/wet-lease condition in authority we awarded Emirates on July 1, 2003, in Dockets OST-2000-7490 and OST-2000-7495.

By letter dated January 23, 2004, Emirates advised us that it was ready to conduct the authorized operations with its own aircraft, and asked that the code-share/wet-lease condition be removed from its authority in Dockets OST-2000-7490, OST-2000-7495, and OST-2003-15805.

By Notice of Action Taken dated January 23, 2004, in Dockets OST-2000-7490 and OST-2000-7495, we removed the code-share/wet-lease condition from the authorities granted Emirates on July 1, 2003. We found, in the circumstances presented, including the notification received from Emirates on January 23, and the fact that we had been advised that the FAA and the TSA are prepared to allow Emirates to serve the United States with its own aircraft, that it was in the public interest to remove the code-share or wet-lease condition imposed on Emirates in those dockets.

Applicant reps: **Robert E. Cohn (202) 663-8060 (DL)** DOT Analyst: **Sylvia Moore (202) 366-6519**
Jeffrey A. Manley (202) 663-6000 (Emirates)

DISPOSITION

For the reasons set forth in our January 23, 2004 Notice of Action Taken in Dockets OST-2000-7490 and OST-2000-7495, we find that it is in the public interest to remove the code-share or wet-lease condition imposed on Emirates in Docket OST-2003-15805. This means that Emirates may conduct its authorized services to and from the United States with its own aircraft and crews.

Action taken by: Paul L. Gretch, Director
Office of International Aviation

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the authority was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy, Policy and Conservation Act of 1975. To the extent not granted, we denied all requests in the referenced

Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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http://dms.dot.gov/reports/reports_aviation.asp